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child's mother, during the child's infancy, and never thereafter supported them, but had left such obligation to be met by the grandmother; his intention being to place the girl with his sister.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 636; 7 Va.-W. Va. Enc. Dig. 14.]

Error to Circuit Court, Washington County.

Habeas corpus by Edward L. Cover against Mrs. Davis Widener and others. To review an order dividing the custody of the child involved between the respective parties, Cover brings error. Order affirmed.

*Qglesby & Burks*, of Roanoke, for plaintiff in error.

*L. P. Summers*, of Abingdon, for defendants in error.

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DAVIS et al. v. BOSTIC et al.

Sept. 17, 1919.

[100 S. E. 463.]

**Ejectment (§ 13\*)—Equitable Title Insufficient to Maintain Action.**

—In ejectment to recover the coal under certain land, it appearing that plaintiffs claimed under a deed given when common grantors had no title, that eight years after such deed such grantors acquired legal title and thereupon conveyed to defendants' grantor by general warranty deed, reciting, after description of the land in question, "on this survey a coal bank, timber room and some privileges was sold to" plaintiffs, but no title paper was introduced effecting a severance of the surface from the underlying coal or investing plaintiffs with legal title thereto, plaintiffs could not recover; for plaintiffs' title must be a legal title.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 878.]

Error to Circuit Court, Russell County.

Ejectment by Davis and others against Bostic and others. To review judgment for defendant, plaintiffs bring error. Affirmed.

*Finney & Wilson*, of Lebanon, for plaintiffs in error.

*W. W. Bird*, of Lebanon, and *A. G. Lively* and *A. T. Griffith*, both of Honaker, for defendants in error.

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BLANCHARD v. DOMINION NAT. BANK.

Sept. 17, 1919.

[100 S. E. 463.]

1. **Equity (§ 207\*)—Effect of General Replication.**—General rep-

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.